

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Werner Wolfgang Rummer,)	
)	ORDER
Plaintiff,)	
)	
vs.)	
)	Case No.1:12-cv-020
State of North Dakota. et. al.,)	
)	
Defendants.)	

On December 17, 2015, the court issued an order in which it adopted undersigned's Report and Recommendation, granted defendants' Motion for Summary Judgment, and dismissed this case with prejudice. In addition, the court certified that an appeal may be taken *in forma pauperis*.

On January 12, 2016, plaintiff filed a Notice of Appeal. Attached to the notice was an "Application to Proceed In Forma Pauperis on Appeal" and "Certificate of Inmate Account and Assets."

In light of the court's prior certification, plaintiff's application shall be granted. Pursuant to 28 U.S.C. § 1915(b), plaintiff is required to pay the statutory filing fee of \$505.00 for this appeal. Based on the Certificate of Inmate Account and Assets submitted by plaintiff, a partial filing fee of \$23.51 shall be assessed for this appeal. Plaintiff will be obligated to make monthly payments in an amount established by 28 U.S.C. § 1915(b)(2) until the filing fee is paid in full. The full fee will be collected even if the Court dismisses the appeal because it is frivolous, malicious, fails to state a claim on which relief may be granted, or seeks money damages against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

IT IS ORDERED that:

- 1) Plaintiff's request to proceed in this appeal *in forma pauperis* is **GRANTED**.
- 2) Plaintiff is assessed an initial filing fee of \$23.51. Plaintiff shall pay the remaining of the filing fee to the Clerk of the District Court from his inmate spending account in accordance with the payment plan set forth in 28 U.S.C. § 1915(b)(2). The institution where plaintiff is incarcerated is required to post payments in an amount of 20% of each future month's income placed in Plaintiff's inmate spending account. Payments shall be made each time the amount in Plaintiff's account exceeds \$10.00 and continue until the statutory filing fee of \$505.00 is paid in full.
- 3) A notice of this obligation shall be sent to Plaintiff and the appropriate prison official.

Dated this 12th day of January, 2016.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court